

**PROPOSED FINDINGS OF FACT ADDRESSING
COMPLIANCE WITH GUIDELINES AND POLICIES OF PLAN
2040, A COMPREHENSIVE PLAN FOR LOUISVILLE METRO**

**CATVVB, LLC
- REGENCY PARK –**

**8702 PEEBLE LANE, 8816 & 8820 W. MANSLICK ROAD : PROPOSED ZONE CHANGE FROM
R-4, SINGLE-FAMILY RESIDENTIAL TO R-5A, MULTI-FAMILY RESIDENTIAL**

**CASE No. 19ZONE0091
JANUARY 7, 2020**

The Louisville Metro Planning Commission, having heard testimony before its November 12, 2020 and December 10, 2020 Land Development & Transportation Committee meetings and during its Public Hearing convened for January 7, 2021, and having reviewed evidence submitted into the administrative record for Case No. 19ZONE0024 and further evidence presented by the applicant, interested parties, and the staff's analysis of the application, make the following findings:

SUMMARY STATEMENT

WHEREAS, the applicant, CATVVB, LLC, proposes its application to rezone 11.28 acres of vacant property located at 8702 Peeble Lane, 8816 and 8820 Manslick Road (the "Property"), Louisville, KY (the "Property"), from R-4, Single-Family Residential to R-5A, Multi-Family Residential to allow thereon for applicant to develop an affordable housing solution comprising of a condominium community for ninety-five (95) mini-home dwellings, with supporting clubhouse amenity space and associated recreational area, also known as "Regency Park" (the "Proposal"); The Property enjoys direct access to W. Manslick Road, where drivers have an option to head north or south on a well-connected network of public streets and nearby access to public transit at the Walmart about one mile away; in addition, a trailhead to the ring of parks is located within a short walk from where Regency Park connects to W. Manslick Road, just yards to the south of the Regency Park's entrance; Regency Park, will compatibly add to the range of housing in the Fairdale area, with quality-designed dwellings available for ownership at affordable price points; accordingly, the Property presents a great opportunity in Louisville Metro for redevelopment of a vacant and underused property into an affordable residential community appropriately located near convenient access to recreational parkland, commercial goods and services, entertainment, and employment options; and

Plan Element 1 - Community Form

WHEREAS, the subject property is located within the Neighborhood Form District; and Goal 1, Policy 3.1.3 of Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040) informs the Neighborhood Form is characterized predominantly by residential uses that vary from low to high density and that blend compatibly into the existing overall landscape and neighborhood areas; and, moreover, Plan 2040 states the Neighborhood Form should provide diverse housing types and housing choices for differing ages, incomes, and abilities and how new neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses; and

WHEREAS, the Regency Park Proposal complies with Community Form Goal 1, because it will allow redevelopment of the Property in a fashion that will strengthen the existing Neighborhood Form because it will revitalize a vacant property with location of a unique condominium community comprised of mini-homes built with quality building materials that will blend compatibly into the surrounding landscape; today, the Property is now used far below its optimal potential and appears unbecoming of its location; ever since the mobile home park vacated the premises, the Property has remained unused and, at times, overgrown; the existing vacant condition of the Property is not ideal for existing adjacent property owners and the addition of new mini-home dwelling units will bring much needed life and security to the Property;

WHEREAS, while the Proposal will bring an added level of diversity of dwelling units with mini homes being a new housing product to the area, the building scale of Regency Park and the site layout of the redeveloped Property is consistent with the range of existing development found in the surrounding neighborhoods; the proposed club house situated at the entrance to Regency Park and fronting W. Manslick will maintain its look as a single-family residential house, thereby maintaining the look of the existing residential pattern along this specific stretch of W. Manslick Road, between Greyling Drive and the railroad to the northwest; a blend of residential patterns exist near the Property, from smaller scale homes on larger lots to more recently built small-scale subdivisions to a number of mobile home communities, containing dwellings of scales similar to the mini-home condominium units being proposed here; the mini-home units proposed for development within Regency Park utilize durable modern building materials found in conventional homes and anchored to a concrete foundation; the range of quality building materials will allow for purchasers of condominium units within Regency Park to customize their homes in accordance with their preferences, thereby encouraging uniqueness and diversity of residences within Regency Park;

WHEREAS, the Property is situated within an area that has a mix of land uses, including residential, commercial and industrial; immediately to the south and east of the Property are R-4 and R-5 single-family properties; to the immediate east and northeast are residential properties fronting W. Manslick Road and to the immediate south of Regency Park's private access roadway to W. Manslick Road is R-5 acreage owned by MSD; to the south/southwest is a larger single-family property of over ten acres, the residence of which is located away from the shared property line with Regency Park; along the entirety of the Property's nearly 600-foot west property line is the L&N Railroad, and straight across the Railroad from the Property is property zoned C-1, Commercial; directly across W. Manslick Road is a Regional Center Form containing properties of various zoning districts and uses, which, proceeding east, then becomes property zoned commercial and industrial and located within the Suburban Workplace Form; in summary, the surrounding area is made up of a variety of zoning districts and where three different form districts converge; consequently, the Commission finds the Proposal is an ideal spot to locate affordable residential housing near activity centers and workplaces supported by adequate infrastructure; and

WHEREAS, Post development, the Proposal will be well-screened through plantings and trees from all of its neighboring properties; appropriately, transitions between neighboring uses that are different in scale and density will be installed, all applicable building setbacks will be met, landscaping buffers and tree canopy on the Property will equal or exceed the LDC requirements; external impacts from lighting toward adjacent properties will be inconsequential, if any at all; the Regency Park community will not create noxious odors nor emissions nor noise; the proposed building heights of the mini-home units and the associated clubhouse amenity are primarily one story, consistent with the building heights in the vicinity and will not approach the maximum building height prescribed by the neighborhood form; secured parking for residents will be sufficiently integrated into the site to serve each dwelling unit, with common parking for vehicles planned for the area adjacent to the clubhouse; Regency Park will not generate any adverse traffic impacts to the immediate area, for the development will have less dwelling units than the mobile home park previously occupying the site contained; for the foregoing reasons, the proposed change in zoning complies with applicable Policies of Plan Element Community Form's Goal 1; and

WHEREAS, the Proposal advances Goal 2 of Plan 2040's Community Form because it encourages sustainable growth and incorporates appropriate density within an area of differing residential densities, a variety of commercial and industrial uses, and served by adequate roadway infrastructure; Goal 2 of Community Form looks to accomplish, among other objectives, the promotion of corridors for investment, encouragement of diverse land uses to enhance quality of place and provide safe mobility options to strengthen connectivity around centers and corridors; the proposed change in zoning will allow for the redevelopment of a property that has been vacant and unused for too many years; the development of the Property into a quality and affordable residential condominium community delivers a land use that welcomes inclusivity of residents from all ages and backgrounds and provides an opportunity for residents shopping for lower housing costs an available option to also gain equity in the property on which they reside; and

WHEREAS, although the applicant does not propose a mixed-use site here, the Property is in an appropriate location for the development of Regency Park, where residents can conveniently access various nearby activity centers where retail options, goods, services, recreation, work, etc. are located; as a result, the redevelopment of the Property into Regency Park will aid in reducing commuting time and transportation-related air pollution; sufficient vehicular and bicycle parking areas will be provided with each dwelling unit as well as next to the clubhouse; Regency Park will utilize the existing curb cut onto W. Manslick Road and will require no additional curb cuts; as a result, Regency Park is an efficient residential land use and represents a significant investment in the redevelopment of the Property, and, in turn, promotes vitality and further investment in the W. Manslick and 3rd Street Road corridors. For all of the aforementioned reasons, the proposed change in zoning complies with applicable Policies of Community Form Goal 2; and

WHEREAS, the Commission further finds the applicant's Proposal is also in agreement with Goals 3 and 4 of Plan 2040's Community Form because the site contains no sensitive natural features, archaeological resources nor historic assets that would be endangered or disturbed by the Property's redevelopment; the Property does contain a very minor area of floodplain, which is located in its northwest corner near where the property butts up against the L&N Railroad; correspondingly, in this same area and along the property line shared with the L&N Railroad, is an area with the potential for hydric soils, which will remain undisturbed by development; the Property does not possess any severe, steep or unstable slopes that would cause immediate or long-lasting environmental degradation; in contrast, the Property is relatively level; thus, the Property will be properly engineered to address any lingering issues of standing water thereon; if the applicant can find solutions to assist in drainage of neighboring properties, the applicant will

do so; no karst has been identified onsite; development of the Property will avoid substantial changes to the site's existing topography; and

WHEREAS, the applicant has amended its initial zoning application to add an additional piece of property (8816 W. Manslick) for added open space and recreational areas for the residents of Regency Park to access onsite and enjoy; the applicant has also reduced the density onsite from previous plan iterations to afford the residents with more usable open space within the center of the Regency Park development; covenants will be in place requiring continued maintenance of open space areas; moreover, less than two hundred feet from the entrance to Regency Park, the residents can access a trailhead leading to the Louisville Loop of parks, where endless areas for recreation can be explored; and

WHEREAS, in consideration of Plan 2040, the Commission finds Regency Park advances the Community Form Plan Element because it diversifies and strengthens the existing Neighborhood Form in which the property is located by incorporating therein a new, affordable housing community the dwelling units of which will add to the diversity and quality in housing types, styles, designs and price ranges of sale units; the Property will be well landscaped and planted with trees, a significant upgrade from its current dilapidated condition; the upgrade to the Property will add to the character of the Neighborhood Form, creating an aesthetically-pleasing connection between the Regency Park community, W. Manslick Road, and its neighboring properties; the proposed development has proximate access to primary collector and minor arterial level roadways as well as nearby access to the Gene Snyder Freeway; the change in zoning will allow for the Property's revitalization, which will positively contribute to the existing Neighborhood Form, insert needed vitality on the Property, benefit the surrounding area, including the residential, commercial and workplace areas; for all of the aforementioned reasons, the proposed change in zoning complies with applicable Policies of Community Form Goals 3 and 4.

Plan Element - 2 Mobility

WHEREAS, Goal 1 of Plan 2040's Mobility Plan Element is to implement an accessible system of alternative transportation models; Goal 2 of the Mobility Plan Element is to plan, build and maintain a safe, accessible and efficient transportation system, while Goal 3 encourages land use and transportation patterns that connect Louisville Metro and support future growth; the applicant's Proposal complies with Plan 2040's Mobility Plan Element and furthers it three goals because it is a multi-family residential condominium use located on property served by private roadways that connect through an existing curb cut to W. Manslick Road, an existing primary collector roadway, which connects to the north to nearby 3rd Street Road, a minor arterial roadway, which then intersects nearby with where Outer Loop, a major arterial roadway begins/terminates; access to the Gene Snyder Freeway is easily obtained via a short drive either to the north or the south of Regency Park; as a result, the Property is currently served by adequate roadway infrastructure; transit options are located at the Walmart Supercenter around the corner on Outer Loop, a short bicycle ride or moderate walking distance from Regency Park; within steps of where Regency Park connects to W. Manslick Road, residents will have access to a trailhead that provides entry/exit to the proposed ring of parks system – a great opportunity for residents to engage in walking, running or bicycling activities; thus, the Proposal provides safe access to the public roadway network and provides access to alternative transportation modes; and

WHEREAS, each mini-house dwelling will be equipped with sufficient parking area to serve the residence; the Proposal has added surface parking adjacent to the clubhouse for community shared parking (mainly for guests of residents); the private roadways within Regency Park are existing roadways that are designed to provide safe internal circulation without any stretches of long straightaways, thereby discouraging drivers from achieving high vehicular

speeds; more than sufficient width of these private driveways/roadways internal to the Property exist, providing walking connections within Regency Park; sight distances consistent with probable traffic speed, terrain, alignments in roadway design will be achieved; individual dwelling units are capable of including bicycle storage, if preferred; and

WHEREAS, additionally, the Commissions finds the requested zone change is consistent with Plan Element Mobility Goals 2 and 3 and their applicable policies; the Regency Park Proposal will generate less daily traffic trips than what the mobile home park use previously occupying the site years ago generated; the roadway network established around the Property will support Regency Park residents with safe and accessible roadways that connect areas of residential, commercial, workplace, and recreation from various modes of transportation; access to the Property is gained via private roadway with an existing curb cut to W. Manslick Road at a location that maintains sufficient sight distance of traffic on W. Manslick Road – a roadway which possesses sufficient capacity to serve the development; the applicant will dedicate private property to the W. Manslick Road right-of-way in accord with the requirements of the Land Development Code and Louisville Metro Public Works; also, the private roadway between the Property and W. Manslick Road avoids access to the Property solely through areas of significantly lower intensity; and, no direct access from residential driveways to high speed roadways will be established; therefore, Regency Park will not create traffic-related nuisances for its neighbors; once on W. Manslick Road, drivers have the option of going north or south to access nearby goods, services, and workplaces; Indeed, at the intersection of Outer Loop and New Cut Road, to the northeast of the Property, is a commercial center anchored by a Walmart Supercenter, and further north on New Cut Road are additional goods and services located in Auburndale; or, to the south via W. Manslick Road, drivers can easily access options for commerce or access to the free public library in the city of Fairdale; and thus, for the foregoing reasons, the Commission finds the Proposal complies with the Mobility Plan Element of Plan 2040, including its Goals 1, 2 and 3 and their applicable Policies.

Plan Element 3 – Community Facilities

WHEREAS, Plan 2040's Community Facilities Plan Element provides guidance and recommendations for the proper integration of necessary community resources across Louisville Metro to plan and maintain accessible facilities that will improve the quality of life for existing and future residents and visitors of Louisville Metro; and whereas the Commission finds the Proposal complies with Plan Element Community Facilities of Plan 2040 and all applicable Goals and Policies thereunder because the Property will be served by all necessary utilities, including water, electricity, telephone and cable; to the extent possible, utilities will be located within common easements and trenches, as required by each utility; the development also has an adequate supply of potable water and water for fire-fighting purposes and is served Station 2 of the Fairdale Fire Department, which is located at 7940 Old 3rd Street Road, less than a mile from the Property; Recreational facilities are accessible to residents in the form of onsite open space located in the center of Regency Park, as well as a swimming pool and play area and clubhouse; additional offsite recreational facilities exist within reasonable walking distance via nearby trailhead to Louisville Metro's Ring of Parks, which is located within reasonable walking distance to Peeble Lane/Regency Park Drive.

Plan Element 4 – Economic Development

WHEREAS, Goal 1 of the Plan 2040's Economic Development Plan Element strives to provide an economic climate that improves growth, innovation, investment and opportunity for all; the Commission finds the notable objectives of this goal, as it relates to the applicant's zoning

application, are the redevelopment of underused commercial, industrial, residential development and creating equitable economic opportunities are increased; Goal 2 of the Economic Development Plan Element is to cultivate a vibrant, unique city that attracts, retains, and develops a highly-skilled workforce; a key stepping stone to reaching the aforementioned goals is the provision of accessible affordable housing for residents currently in training to acquire sought after skills prior to joining the workforce; here, Regency Park, which is currently idle residential property, is located across W. Manslick Road from a Regional Center, which itself is adjacent to a Suburban Workplace, thereby providing a close connection between available affordable housing for residents who might seek job opportunities as the Regional Center and Suburban Workplace forms continue to develop; thus, the Regency Park Proposal is a good opportunity to locate a community for individuals or small families who are in training or just moved to Louisville Metro for a training program and need an affordable place to live while they prepare to enter the workforce; accordingly, the Proposal advances Plan 2040's Economic Development Plan Element because it adds to the availability of affordable housing located near workplaces.

Plan Element 5 – Livability

WHEREAS, the Livability Plan Element of Plan 2040 provides guidance and direction for the provision and maintenance of resources necessary for the health and well-being of citizens; and the Commission finds that the Regency Park Proposal is consistent with the applicable policies of Plan 2040's Livability Plan Element, notably those set forth under Goal 1 of the Plan Element, because with the redevelopment of the vacant land, the applicant will plant trees and attractive landscaping throughout the site where none exist today; the Property will be well-landscaped with plant species native to the area and Kentucky in general; all applicable tree canopy requirements will be met on-site; Regency Park meets applicable open space requirements by a combination of 1) the common open space area located at the center of the community; and 2) the proposed clubhouse/pool/playground amenity toward the entrance to Regency Park; the applicant amended its initial application to add the 8816 W. Manslick property to provide additional open space for the community where its residents can utilize spaces both indoor and outdoor gatherings; importantly, for residents' access to additional offsite open space, parks and opportunities for exercise, Regency Park is located within reasonable walking distance (less than 200 feet) to a nearby trailhead to the 21st Century Ring of Parks; a natural corridor providing animal habitat and allowing for migration is located in the nearby area of the aforementioned trailhead, including the open fields (MSD property) adjacent to said entrance to the trailhead, which are within steps from the Property; and

WHEREAS, the Commission additionally finds the applicant will improve drainage infrastructure on the property and in the immediate area to help stormwater on the property and surrounding properties properly drain and not pool for extended periods of time; the redevelopment of the property into Regency Park will preserve on-site natural drainage features to accommodate runoff, assuming the full buildout of the watershed as required, and will maximize the saturation capacity of the soil in accordance with Metropolitan Sewer District ("MSD") requirements; MSD has provided its preliminary approval of the applicant's proposed plan; the redevelopment of the Property will accommodate "through" drainage systems and peak stormwater runoff rates post redevelopment will be acceptable to MSD and consistent with adopted regional and watershed plans; emergency vehicle access will traverse ground above any flood levels that might impact the property; and, the applicant pledges to implement an erosion prevention and sediment control plan prior to construction, utilizing best management practices as required by the MSD; and

WHEREAS, the Commission further finds the applicant's development of the Property will clean up the vacant land which currently is in an undesirable visual state; the Proposal will enhance the natural environment and integrate it with the built environment; indeed, as discussed, the applicant looks to replace an existing vacant property previously used as a mobile home park use (the later years of which the Property was misused, per neighbors to the property) with a condominium development where residents looking for affordable property to maintain common ownership interest in real property and establish equity in property instead of paying rental costs have an opportunity to locate and live; the new condominium units will have mini-home dwelling units designed for accessibility to support residents and guests of different ages and physical abilities.

Plan Element 6 – Housing

WHEREAS, the Housing Plan Element strives to enhance housing opportunities for all citizens of Louisville Metro by promoting equitable housing means ensuring diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities; the following three Goals are set forth within the Housing Plan Element: 1) Expand and ensure a diverse range of housing choices; 2) Facilitate the development of connected mixed-use neighborhoods; and 3) Ensure long-term affordability and livable options in all neighborhoods; and whereas the Commission finds the Proposal, as set forth in the applicant's justification statement and as presented to the Commission during the January 7, 2020 public hearing, advances all three Goals of the Housing Plan Element because the Regency Park Proposal will furnish quality-built affordable housing that will add to the diversity in housing types, styles and design within the Neighborhood Form, allowing for purchasers from various backgrounds and needs the opportunity to acquire affordable housing to own within a stable condominium community in an area where a gap in available affordable housing exists, notably for residents earning 30% to 50% area median income; and

WHEREAS, the Proposal is in agreement with the applicable policies of Housing Goals 1 and 2 because the redevelopment of the property as a new, accessible residential condominium community will foster opportunities for affordable housing units in detached smaller-than-conventional home dwelling units and add to the diverse mix of housing stock in Louisville Metro and within the immediate Fairdale area, where properties enjoy a well-connected system of roadway infrastructure that supports the movement of people between residential, commercial, recreational, employment and other supporting uses in the area; the Regency Park Proposal is designed for all ages of residents, but is expected to be popular among older residents, veterans, widowers, recent graduates looking to enter the work force and residents who prefer or need to have moderate land and house area to maintain and of which they can afford to reside without devoting too much of their financial resources to housing costs, an issue that pervades all areas of Louisville Metro, including this immediate subarea where Louisville Metro Housing Needs assessment states 25% of its residents spend more than 30% on housing costs and where 13% of residents spend more than 50% of income on housing costs; the Commission finds that with the Proposal, residents in this subarea (Jefferson Forest) and adjacent subareas (Iroquois Park and South-Central Dixie subareas) can attain options for available affordable housing at Regency Park, thereby alleviated the financial stresses from devoting so many resources solely to housing costs and, as a result, will be able to devote more of said income to savings or to purchasing items necessary to support a healthy lifestyle and to also participate more in the local metro economy; and

WHEREAS, the Commission additionally finds the proposed condominium community is a creative and necessary means to provide affordable opportunities for future purchasers to invest

and establish equity in their property interest of the particular dwelling unit, respectively, as well as common ownership in the grounds of Regency Park, and that said opportunity for housing is an appropriate alternative to rental housing options in the area; the smaller home dwellings within Regency Park will be constructed of quality materials prior to being located and permanently affixed to the property onsite; purchasers of the proposed units will have an option to add garages to their units, thereby allowing residents direct access from their respective vehicles to the residences under cover from weather; the Property's location provides residents with nearby pedestrian access to Louisville Metro's park system as well as a short drive (1.5 miles) to a Walmart Supercenter, where goods and services can be purchased and medical services area also available; The applicant's Proposal includes a clubhouse amenity with a pool and playground area for additional recreational space to go along with the common space located more central to the condominium community;

WHEREAS, Consistent with Goal 3 of Plan 2040's Housing Plan Element, the applicant's proposed rezoning will help ensure long-term affordability and livable options in the Fairdale area because it represents a significant investment in the redevelopment of a vacant, underused property into a brand new, residential condominium community offering affordable, quality residences; furthermore, the development of Regency Park appropriately places manageable density of affordable housing options on property supported by existing infrastructure, near recreation options, and within short distances to numerous workplaces, commercial goods, services, entertainment options, and transit; thus, through an innovative, affordable housing community that will be inclusive to all people, Regency Park discourages displacement of existing residents in the Fairdale area; for these reasons, the Commission finds the Regency Park Proposal contains numerous attributes that support inter-generational residents and presents an ideal development for residents of all ages to live affordably while building equity in private property, all of which the Commission finds in support of the Plan 2040's Housing Plan Element and its applicable Goals, Objectives and Policies.

KRS 100.213 COMPLIANCE

WHEREAS, for the reasons set forth herein, the Louisville Metro Planning Commission finds the applicant's Proposal is in agreement with the applicable Guidelines and Policies of Louisville Metro's 2040, Comprehensive Plan and, therefore, the applicant's proposed rezoning from R-4, Single-Family Residential to R-5A, Multi-Family Residential for the Property complies with KRS 100.213; and

WHEREAS, for all of the reasons set forth at both the November 12, 2020 and December 22, 2020 LD&T Committee meeting and the January 7, 2021 Planning Commission public hearing, as well as all of the information submitted in the administrative record for Case No. 19ZONE0091, and as evidenced by the detailed development plan presented to the Commission, the applicant's request to change the zoning designation of the Property from R-4 and R-5A is in agreement with all other applicable Intents, Policies, and Guidelines of the Plan 2040 Comprehensive Plan; as a result, the Planning Commission finds the proposed rezoning complies with the required statutory criteria of KRS 100.213; and

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the Louisville Metro Council that the Council change the zoning of the Property from R-4, Single-Family Residential to R-5A, Multi-Family Residential and, furthermore, the Planning Commission approves the applicant's submitted detailed district development plan.